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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,201	06/27/2003	Lynn A. Buckner		7339

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EXAMINER

BARNEY, SETH E

ART UNIT PAPER NUMBER

3752

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/609,201

Applicant(s)

BUCKNER, LYNN A.

Examiner

Seth Barney

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/6/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the powered means, means to move air through the housing, the forced air blower, the vacuum source, means for the air to be dried, and means for the air to be heated, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: In the brief description of the drawings, Figure 5 is cited as a side view similar to Figure 3, but appears to be a different species. Furthermore, there appears to be a typographical error on page 7, line 13. "Imbodiment" should be --Embodiment--.

Appropriate correction is required.

Claim Objections

3. Claims 12-23 are objected to because of the following informalities: Claims 12-23 are currently dependant on cancelled claims 1, 2, and 3. The examiner has construed each instance of "1" as --9--, "2" as --10--, and "3" as --11--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 9-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. There is no written description or drawing of the powered means, the means for moving air, the support means, the air blower, the vacuum source, the mobile

means, the means for the air to be dried, and the means for the air to be heated.

Furthermore, the detailed description of the preferred embodiments is very brief and does not describe in adequate detail such that one skilled in the art could make and use the invention. Examiner reminds applicant that no new matter may be added.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 9-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claims 9 recites the limitations "said spray mounting hardware" in line 7, "said mounted liquid spray nozzle cleaning arrangement" in line 11, "said mobile mounted oscillated liquid spray nozzle cleaning method" in lines 12, 14, and 15 of the claim. There is insufficient antecedent basis for this limitation in the claim. The error reoccurs in all other claims.

9. Claim 17 recites the limitation "said means" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim. There are several means recited in the independent claims and it is unclear to which means claim 17 is referring.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 9-11, 12, 13, and 15-23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,782,551 to Ballwebber.

Regarding claims 9-11, Thrash discloses a surface cleaning apparatus comprising one or more liquid spray nozzles (2) mounted on a non-rotating (oscillating) support means (12, 27, see Figure 2) for cleaning a surface below the nozzle, and the nozzle is position in relation to the surface to be cleaned so as to spray a pressurized liquid on the surface with an angle of attack between 1 to 89 degrees (see Figure 2). Furthermore, the cleaning apparatus has means for oscillating the spray nozzle, and a powered means to operate the spray nozzle (15, 7), and has a housing to contain the liquid spray, and a means to move air through the housing (9), and the nozzle cleaning arrangement is mounted on a mobile means (8), and the spray nozzle is in contact with the surface to be cleaned and the surface to be cleaned, wherein the surface to be cleaned is supporting the apparatus.

Regarding claims 12/9 and 12/11, the apparatus contains means for to adjust the angel of attack. See Figure 2 and column 3 lines 4 to 17.

Regarding claims 13/10 and 13/11, the hardware has means to oscillate the nozzle and powered means to oscillate the nozzles. See column 2 and Figure 2.

Regarding claims, 15/9, 15/10, and 15/11, air inlet provided upstream and an air outlet provided downstream sucks up air and debris. See Figure 2.

Regarding claims 16/9, 16/10, 16/11, 17/9, 17/10,17/11, 18/9, 18/10,18/11, 19/9, 19/10,19/11, 20/9, 20/10,20/11, and 21/9, 21/10,21/11 the mobile platform is moved in

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the same direction as the flow of the liquid from the spray nozzle and an air outlet that is located downstream of the liquid spray, the air inlet located upstream from the spray nozzle, and the air inlet being arranged so as to impinge the surface with air, thereby functioning to suck up debris and water and dry the surface by means of a forced air blower (air must be forced in for the vacuum to continuously remove air) and a vacuum source.

Regarding claim, 22/9, 22/10, and 22/11 the base seals the apparatus. See Figure 2.

Regarding claims 23/9, 23/10, 23/11, a floor is being cleaned.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,782,551 to Ballwebber.

As aforementioned, Ballwebber discloses all of the limitations of the claims except for multiple nozzles mounted on multiple mounting bases. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Balwebber with several nozzles mounted on several mounting bases in order to improve the cleaning capability.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5,970,574 to Thrash Jr. discloses a cleaning apparatus having a housing, a seal, a vacuum, and a rotating nozzle. U.S. Patent Application Publication US 2003/0066158A1 to Porter et al. discloses a cleaning apparatus having a housing, a vacuum, seals, and a nozzles.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

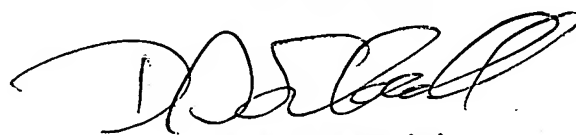
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seth Barney whose telephone number is (571)272-4896. The examiner can normally be reached on 7:30am-5:00pm (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (571)272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seth Barney
Examiner
Art Unit 3752

sb



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